PIL 2/2007
BEFORE
THE HON'BLE MR JUSTICE D. BISWAS, CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE B.P. KATAKEY

Heard Mr. S.S. Dey, learned counsel for the petitioner and also Mr. K.N. Choudhury, learned Additional Advocate General, Assam.

The grievance of the petitioner in the present appeal is for not making the provision of 3% reservation for persons with disabilities under the provisions of the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It has been contended that though an advertisement has been issued on 2.9.2006 for filling up of 53 numbers of posts of Assistant Engineers in the Irrigation Department, the 3% vacancies have not been reserved for the persons with disability as is required under the aforesaid Act.

Mr. Choudhury, learned Addl. Advocate General, Assam has fairly submitted that in pursuance of the aforesaid Act of 1995, 3% posts are to be kept reserved for the persons with disability, which has in-fact not been done while issuing the advertisement dated 2.9.2006. Mr. Choudhury, however, submitted that another 20 posts of Assistant Engineer, Irrigation Department have fallen vacant shortly and against such vacant posts, backlog and current vacancies against 3% quota fixed could be accommodated.

In view of the aforesaid submission, we dispose of the PIL with direction to the respondent authorities to work out the backlog as well as the current vacancies against 3% reserved quota for persons with disabilities under the provisions of the Persons with Disability (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995 and make provisions for recruitment against those posts against the advertisement to be issued by the authorities for filling up of 20 vacancies which are in existence as on date. The authority shall, while issuing the requisition to the Assam Public Service Commission, shall indicate such reservations in the advertisement to be issued by the Public Service Commission which shall include the backlog. As submitted by Mr. Choudhury, learned Advocate General, Assam, we hope and trust that necessary advertisement shall be issued as expeditiously as possible, preferably within a period of six weeks from today.

With this observation, this PIL stands disposed.

A copy of this order be furnished to the learned counsel for the parties.